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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER <b>AKY-0002</b>
		U.S. APPLICATION NO. (If known, use 37 C.F.R. 1.53) <b>10/089551</b>
INTERNATIONAL APPLICATION NO <b>PCT/JP00/05100</b>	INTERNATIONAL FILING DATE <b>July 31, 2000</b>	PRIORITY DATE CLAIMED <b>October 1, 1999</b>
TITLE OF INVENTION: <b>AEROSOL COMPOSITION</b>		
APPLICANT(S) FOR DO/EO/US <b>SAKAI, Masasuke</b>		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).</li> <li><input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</li> <li><input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li><input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li><input checked="" type="checkbox"/> has been transmitted by the International Bureau</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li><input checked="" type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</li> <li><input checked="" type="checkbox"/> Amendment to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).             <ol style="list-style-type: none"> <li><input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li><input type="checkbox"/> have been transmitted by the International Bureau</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendment has NOT expired.</li> <li><input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input checked="" type="checkbox"/> An oath or declaration of the inventor (<b>unexecuted</b>) (35 U.S.C. 371(c)(4)).</li> <li><input checked="" type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p>Items 11 to 16 below concern either document(s) or information included:</p> <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li><input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li><input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li><input checked="" type="checkbox"/> Other items: A copy of Notification of Change of Name submitted to WIPO dated March 22, 2002; Verification of Translation</li> </ol>		

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U.S. APPLICATION NO. (if known) <b>10/089551</b>		INTERNATIONAL APPLICATION NO. <b>PCT/JP00/05100</b>		ATTORNEY'S DOCKET NUMBER <b>AKY-0002</b>	
17. <input checked="" type="checkbox"/> The following fees are submitted  <b>Basic National Fee (37 CFR 1.49(a)(1)-(5):</b> Search Report has been prepared by the EPO or JPO. . . . .  International preliminary examination fee paid to USPTO (37 CFR 1.482) No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) . . . . .  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO. . . . .  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4). . . . .  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>				CALCULATIONS	PTO USE ONLY
				<b>\$ 890.00</b>	
				<b>\$ 890.00</b>	
				<b>\$ 130.00</b>	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.49(e))				<b>\$ 130.00</b>	
Claims	Number Filled	Number Extra	Rate		
Total	4-20=	0	X \$18	\$ 0.00	
Independent	1-3=	0	X \$84	\$ 0.00	
Multiple dependent claim(s) (if applicable)			+ \$280	\$ 280.00	
<b>TOTAL OF ABOVE CALCULATIONS</b>				<b>= \$ 1,300.00</b>	
Reduction by 1/2 for filing by small entity, if applicable.					
<b>SUBTOTAL</b>				<b>= -</b>	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.49(f)).				+ \$ 130.00	
<b>TOTAL NATIONAL FEE</b>				<b>= \$ 1,430.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate sheet (37 CFR 3.28, 3.31) \$40.00 per property				+ \$ 0.00	
<b>TOTAL FEES ENCLOSED</b>				<b>= \$1,430.00</b>	
				Amount to be refunded	\$
				charged	\$ 1,430.00
a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.  b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>18-0013</u> in the amount of \$ <b>1430.00</b> covers the above fees. A duplicate of this sheet is enclosed.  c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>18-0013</u> . A duplicate copy of this sheet is enclosed.  <b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.  SEND ALL CORRESPONDENCE TO: Rader, Fishman & Grauer, L.P.P.C. 1233 20 <sup>th</sup> Street, N.W., Suite 501 Washington, DC 20036 703-955-8711					
Dated: <u>April 1, 2002</u>				SIGNATURE  DA	
				REGISTRATION NUMBER 3551	

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## DESCRIPTION

AEROSOL COMPOSITION

## TECHNICAL FIELD OF THE INVENTION

5           The present invention relates to an aerosol composition, more specifically, relates to an aerosol composition preferable for an insecticide.

## BACKGROUND ART

Aerosol insecticides, generally, consist of an oily concentrate consisting of an  
10   effective ingredient (such as an insecticide) and a propellant. Flammable liquefied  
petroleum gas (LPG) is used for a propellant, thereby causing to high flammability  
and high ignitability. Therefore, for the purpose of improving safety against fire,  
such as flammability and ignitability, aerosol insecticides, containing a kerosene  
solution, dimethyl ether and LPG in a specific proportion, has been applied for a  
15   patent (for example, Japanese Unexamined Patent Publication Nos. 1976-67732,  
1976-70826, etc.). This satisfies the conditions for the weak flammability (flame  
length: 45 cm or shorter, lower limit explosion concentration: 0.13 g/L (liter) or  
higher) in the flammability classification defined by the former Ministry of  
International Trade and Industry notice No. 557 (October 15, 1965), in a flame  
20   length test and an explosion concentration test. When the above-mentioned aerosol  
insecticide is sprayed, the propellant is vaporized faster than the concentrate as the  
concentrate is dispersed in a space. Therefore, if the concentrate itself has a flash  
point, its safety against fire cannot be high. In recent years, in consideration of  
safety such as ignitability and toxicity against a living body, development of  
25   water-based aerosol insecticides is going ahead one after another.

Though such water-based aerosol insecticide become high in safety against fire through using a water-based concentrate, corrosive property is caused to a tinplate-made aerosol container, commonly used for aerosol insecticides, due to the contained water. In addition, an aqueous insecticide ingredient should be selected, but such insecticide ingredient cannot attach effectively to a surface of an oleophilic pest, causing a problem in efficacy. Moreover, drying characteristics becomes worse, resulting in insufficient usability.

As means for solving these problems, a W/O type emulsion aerosol insecticide consisting of an effective ingredient, an oleophilic solvent such as kerosene, an emulsifier, LPG and the like was proposed (for example, Japanese Examined Patent Publication No. 1980-2401, Japanese Patent No. 2855736, etc.). In this insecticide, a water phase is dispersed in an oil phase (kerosene and LPG), and thereby water merely contacts directly to the inner surface of the container to prevent corrosion. However, such aerosol product of a W/O type emulsion has problems in stability of emulsion as well as problems of complicated manufacturing processes.

A technological subject of the present invention is to provide a one-component type aerosol composition high in safety against fire, capable of preventing corrosion of the container, and also capable of attaching effectively the effective ingredient to an oleophilic surface.

## DISCLOSURE OF THE INVENTION

The aerosol composition according to the present invention is characterized  
25 by consisting of a concentrate of 10 to 60 wt % including of an oil ingredient of 30 to

90 wt %, polyol of 5 to 50 wt %, water of 1 to 40 wt % and an effective ingredient of 0.1 to 20 wt % and having no flash point under 1 atmospheric pressure, and a propellant of 90 to 40 wt % including of dimethyl ether, and by that a uniform phase is formed as a whole. Such aerosol composition is preferably prepared with a concentrate consisting of a hydrophilic liquid including of polyol and water and an oleophilic liquid including of an effective ingredient and an oil ingredient, wherein the both liquids separate from each other. As the said effective ingredient, an insecticide can be used.

## 10 BRIEF DESCRIPTION OF THE DRAWINGS

Fig. 1 is a sectional view showing an embodiment of a container to fill the aerosol composition according to the present invention.

Fig. 2 is a sectional view showing a further embodiment of a container to fill the aerosol composition according to the present invention.

15 Fig. 3 is a sectional view showing a still further embodiment of a container to fill the aerosol composition according to the present invention.

Fig. 4 is a sectional view showing another embodiment of a container to fill the aerosol composition according to the present invention.

## 20 THE PREFERRED EMBODIMENTS OF THE PRESENT INVENTION

The aerosol composition according to the present invention is, as described above, characterized by consisting of a concentrate of 10 to 60 wt % including of an oil ingredient of 30 to 90 wt %, polyol of 5 to 50 wt %, water of 1 to 40 wt % and an effective ingredient of 0.1 to 20 wt % and having no flash point under 1 atmospheric pressure, and a propellant of 90 to 40 wt % including of dimethyl ether, and by

In such aerosol composition, oil, polyol and water are compounded in the concentrate in a specific proportion, and hence, the concentrate has no flame point under 1 atmospheric pressure to bring a high safety against fire. "Having no flame point" mentioned herein means the case where in the test designated by "Article 1 Paragraph 6, Decree Law with regard to regulation of hazardous materials," flaming is not observed during a period from heating a concentrate under room temperature to boiling. In other words, the concentrate according to the present invention is not the hazardous material because it does not fit to a flammable liquid defined by Remark No. 10, the appended Table, Fire Defense Law in Japan. Consequently, the present invention is not subject to any restriction by the said law in storing and handling as an aerosol product.

Further, although the said concentrate is in a state where the mixture (water-based liquid) consisting of the polyol and water separates from the oily liquid consisting of the effective ingredient and the oil ingredient, the propellant consisting of dimethyl ether is compounded as much as 90 to 40 wt %, so that the aerosol composition forms a uniform phase. When an aerosol composition forms a uniform phase, despite compounding a little water, the concentration of the water in the composition becomes lower than that in any aerosol composition with water dispersed in droplet, resulting in less degree of corrosion of a container.

When the said aerosol composition is sprayed, water and the oil ingredient are separated again. However, the effective ingredient is dissolved in the oil ingredient, and therefore the effective ingredient can be efficiently attached even to objective oleophilic faces for spraying (surfaces of pests).

25           The said oil ingredient is not only used as a solvent to dissolve the effective

ingredient insoluble in water, but also as a ingredient to attach effectively the effective ingredient to objective oleophilic faces for spraying (surfaces of pests). Hydrocarbon, ester oil, silicon, oil and fat and the like are used as such oil ingredient.

Specifically, the hydrocarbon is prepared with one of the following materials:

- 5 paraffinic aliphatic hydrocarbons such as hexane, heptane, octane, nonane, decane, undecane, dodecane, tridecane, tetradecane, pentadecane, hexadecane, eicosane and pentacosane; isoparaffin aliphatic hydrocarbons such as 2,2,3,3 – tetramethyl butane, 2,2 – dimethyl hexane, 2,2,3 – trimethyl pentane, 2 – methyl heptane, 2,2,5 – trimethyl hexane, 2,2 – dimethyl heptane, 3,3,4 – trimethyl hexane, 2 – methyl
- 10 octane, 2 – methyl nonane and 2 – methyl decane; olefinic aliphatic hydrocarbons such as 1 – pentene, 1 – hexene, 1 – heptene, 1 – octene, 1 – nonene, 1 – decene, 1 – undecene, 1 – dodecene, 1 – tridecene, 1 – tetradecene, 1 – pentadecene, 1 – eicocene and 1 – pentacocene; aromatic hydrocarbon such as benzene, octyl benzene, dodecyl benzene and phenyl xylol ethane; and the mixture thereof, for example, kerosene,
- 15 paraffin, liquid paraffin, isoper L (brand name), isoper M (brand name), IP Solvent 2028 (brand name), IP Solvent 2835 (brand name), Certrex 60 (brand name), Nisseki Isosol 400 (brand name), Exxon Solvent No. 7 (brand name), Exxol D80 (brand name), Neothiosol (brand name), No. Zero Solvent M (brand name) and No. Zero Solvent H (brand name).

- 20 The said ester oil is prepared with such material as isopropyl myristate, cetyl octanoate, octyl dodecyl myristate, isopropyl palmitate, butyl stearate, myristyl myristate, decyl oleate, cetyl lactate, myristyl lactate, isocetyl stearate, isocetyl isostearate, lanoline acetate, ethyl acetate, butyl acetate, oleic acid oil, cetostearyl alcohol, diisobutyl adipate, diisopropyl sebacate, di – 2 – ethylhexyl sebacate, 2 –
- 25 hexyldecyl myristate, 2 – hexyldecyl palmitate and 2 – hexyldecyl adipate.

The said silicon is prepared with such material as methyl polysiloxane, methylphenyl polysiloxane, methyl hydrogen polysiloxane, decamethyl polysiloxane and tetramethyl tetrahydrogen polysiloxane.

5 The said oil and fat are prepared with such material as avocado oil, camellia oil, turtle oil, macadamia nut oil, corn oil, mink oil, olive oil, rape seed oil, sesame oil, castor oil, linseed oil, safflower oil, jojoba oil, germ oil, coconut oil, palm oil and hydrogenated castor oil.

Among these oil ingredients, one to be liquid under room temperature and have carbon number of 10 or more and a flash point of 60 °C or higher, preferably 70  
10 °C or higher, more preferably 80 °C or higher, is preferable in point of safety against fire.

The said oil ingredient is contained in the concentrate at 30 to 90 wt %, preferably 35 to 90 wt %. In case of the said oil ingredient of 30 wt %, when the aerosol composition is sprayed, the effective ingredient can not be effectively  
15 attached to objective oleophilic surfaces, thereby causing insufficient effect of the effective ingredient. On the other hand, in case of the said oil ingredient exceeding 90 wt %, a flash point occurs in the concentrate, so that the safety against fire becomes lower.

The said polyol is a ingredient not only to help the phases of the said oil  
20 ingredient and water uniform by using dimethyl ether, but also to eliminate the flash point from the concentrate to increase the safety against fire.

Specifically, such polyol is prepared with one of the following materials: diol such as ethylene glycol, propylene glycol and 1,3 – butylene glycol; triol such as glycerin and trimethylol propane; tetraol such as pentaerythritol; pentaol such as  
25 xylitol; hexaol such as sorbitol and mannitol; polymer of polyol such as diethylene



glycol, dipropylene ethylene glycol, triethylene glycol, polypropylene glycol, diglycerine, polyethylene glycol and triglycerine; alcohol alkyl ether such as ethylene glycol monomethyl ether, ethylene glycol monobutyl ether, ethylene glycol monophenyl ether, ethylene glycol monohexyl ether, ethylene glycol isopropyl ether, 5 ethylene glycol dimethyl ether, diethylene glycol monoethyl ether, diethylene glycol monobutyl ether, triethylene glycol monoethyl ether, propylene glycol monoethyl ether, dipropylene glycol ethyl ether and diethylene glycol dimethyl ether; and alcohol ether ester such as ethylene glycol monoethyl ether acetate, diethylene glycol monoethyl ether acetate, propylene glycol monoethyl ether acetate and propylene 10 glycol monopropyl ether acetate. Among these polyols, one with a flash point higher than that of the said oil ingredient is preferable, specifically one with a flash point of 90 °C or higher, more specifically 100 °C or higher, is preferable.

The said polyol is contained in the concentrate at 5 to 50 wt %, preferably 10 to 45 wt %. In case of the said polyol less than 5 wt % in the concentrate, a uniform 15 aerosol composition can not obtained, while, in case of the said polyol higher than 50 wt %, drying characteristic becomes worse thereby to lower the usability.

As the said water, in addition to purified water, ion exchange water, distilled water and the like, buffer solutions described in Japanese Examined Patent Publication 1995-68092 such as ammonium benzoic acid – sodium hydroxide buffer, 20 sodium benzoic acid – benzoic acid buffer, ammonium benzoic acid – ammonium buffer, ammonium benzoic acid – benzoic acid buffer and sodium carbonate – sodium acid carbonate buffer may be used. The said water is contained in the concentrate at 1 to 40 wt %, preferably 2 to 30 wt %. In case of the said water less than 1 wt % in the concentrate, a flash point occurs thereby to lower the safety against fire. On 25 the other hand, in case of the said water higher than 40 wt %, the drying

characteristic becomes worse, as well as making the effective ingredient difficult to attach effectively, resulting in lowering its efficacy. In addition, the solubility of the concentrate into the propellant becomes worse, and hence the aerosol composition can not be kept uniform.

5           The said effective ingredient is contained in the concentrate at 0.1 to 20  
wt %, preferably 0.1 to 10 wt %. In case of the said effective ingredient less than  
0.1 %, the concentration of the effective ingredient contained in the aerosol  
composition becomes lower, and thus more amount of the composition is required to  
be sprayed in order to spray a necessary amount of the effective ingredient. On the  
10 other hand, in case of the effective ingredient higher than 20 wt %, the concentration  
of the effective ingredient becomes higher, and thus, in consideration of affect on  
living bodies, a method for decreasing the spray amount, such as making a diameter  
of a valve hole and a spray button hole smaller, is required. As a result, when  
sprayed, the aerosol composition can not be effectively dispersed in a wide range.

The said effective ingredient is prepared with one of the following materials:  
an insecticide such as phthalthrin, imiprothrin, allethrin, permethrin, cismethrin,  
proparthrin, resmethrin, d – phenothrin, tefluthrin, benfluthrin, neopinamin forte  
and chrysron forte; a insecticide efficacy enhancer such as Synepirin, piperonyl  
butoxide and octachlorocyclodipropyl ether; repellent such as N, N – diethyl – m –  
toluamide (deet), diethyl amide caprylate and dimethyl phthalate; deodorant such as  
lauryl methacrylate, geranyl crotonate, acetophenon myristate, benzyl acetate,  
benzyl propionate, methyl benzoate and methyl phenyl acetate; antibacterial agent  
such as benzalkonium chloride and benzethonium chloride, and a fragrance.

The aerosol composition according to the present invention may contain,  
25 other than the said essential ingredients, various ingredients such as lower alcohol,

higher alcohol, a surfactant, a higher fatty acid, wax and powder in the range not to allow the concentrate to have any flash point.

The said lower alcohol is an additional ingredient to help improve the drying characteristic in spraying and to uniformly dissolve the concentrate where  
5 the hydrophilic ingredient separates from the oleophilic ingredient by using dimethyl ether. The lower alcohol is prepared with monovalent alcohol having carbon numbers of 2 to 3, specifically, ethanol, propanol, isopropanol and the like.

The said higher alcohol is prepared with linear alcohol such as lauryl alcohol, cetyl alcohol, stearyl alcohol, behenyl alcohol, myristyl alcohol and oleyl  
10 alcohol, and branched alcohol such as monostearyl glycerol ether, lanolin alcohol, hexyl dodecanol, isostearyl alcohol and octyl dodecanol.

The said surfactant is prepared with such material as sorbitan fatty acid ester, glycerin fatty acid ester, decaglycerin fatty acid ester, polyglycerin fatty acid ester, polyoxy ethylene sorbitan fatty acid ester, polyoxy ethylene sorbitol fatty acid  
15 ester, polyoxy ethylene glycerin fatty acid ester, polyoxy ethylene glycol fatty acid ester, polyoxy ethylene alkyl ether, polyoxy ethylene polyoxy propylene alkyl ether, polyoxy ethylene alkyl phenyl ether, polyoxy ethylene castor oil / hydrogenated castor oil, polyoxy ethylene lanoline / lanoline alcohol / a beeswax derivative, polyoxy ethylene alkyl amine / fatty acid amide.

20 The said higher fatty acid is prepared with such material as lauric acid, myristic acid, palmitic acid, stearic acid, behenic acid, oleic acid, isostearic acid, linolic acid, linoleic acid, eicosapentaenoic acid (EPA) and Docosa Hexaenoic acid (DHA).

The said wax is prepared with such material as beeswax, lanoline, lanoline acetate, candelilla wax, Carnauba wax, spermaceti wax and montan wax.

25 The said powder is prepared with one of the following materials: inorganic

powders such as talc, kaolin, mica, sericite, magnesium carbonate, calcium carbonate, diatomaceous earth, magnesium silicate, calcium silicate, aluminium silicate, silica, zeolite, calcium sulfate, hydroxyapatite, ceramic powder, boron nitride and molybdenum disulfide; organic powders such as polyamide resin powder, polyethylene powder, polystyrene powder, polymethyl methacrylate powder, cellulose powder and silicon resin powder; inorganic pigments such as titanium dioxide, iron oxide, yellow oxide, titanium oxide, carbon black and ultramarine blue; and metal powder pigment such as aluminium powder and copper powder.

As the said propellant, dimethyl ether is used in a range from 90 to 49 wt %, preferably 80 to 45 wt %, in the aerosol composition. In other words, the concentrate is used in a range from 10 to 60 wt %, preferably 20 to 55 wt %, in the aerosol composition. When dimethyl ether exceeds 90 % of the total amount, the compounding ratio of the necessary effective ingredient becomes less, resulting in impractical use. On the other hand, when it is less than 40 %, no uniform composition can be obtained and the composition is sprayed in excessively large particle. This result is not preferable.

The above aerosol composition is preferably sprayed in 0.1 to 2.0 g/second, more preferably 0.1 to 1.5 g/second. In case of a sprayed amount less than 0.1 g/second, it takes a longer time to spray until a necessary amount of the effective ingredient is sprayed, so that the effective ingredient may be inhaled by a human body during this period. On the other hand, in case of a sprayed amount more than 2.0 g/second, a flame length becomes longer in a flame length test to make the safety against fire worse. Now in Japan, flammability is not classified based on a flame length. However, it is preferable to make a flame length to a length less than 45 cm, the condition of the weak flammability.

The above aerosol composition is prepared as an aerosol product by filling in an aerosol container A made from a synthetic resin, for example shown in Fig. 1. The aerosol container A comprises a cylindrical main body 1 with a bottom, a valve 3 attached to an opening on the top end of the main body 1 through a gasket 2, and a push button 5. Reference numeral 6 denotes a dip tube.

The main body 1 is made of thermoplastic resin difficult to be corroded and easy to be formed, such as polyethylene terephthalate (PET), polybutylene terephthalate (PBT), polyacrylonitrile (PA), Barex, by extrusion molding or blow molding, for example. The valve 3 comprises a resin-made valve housing 7, a stem 8 housed in the inside thereof so as to be movable vertically, a spring 9 energizing upward the stem 8 continuously, a stem rubber 10 fitted around the stem 8 and fixed to the valve housing 7, and a mounting cup (cover) 11 to fit these parts integrally to the main body 1. The valve housing 7 and the stem 8 are made of thermoplastic resin such as nylon or Duracon. The mounting cup 11 is made of a metal sheet formed in a shape of a cylinder with a bottom and fixes the valve 3 tightly to the main body 1 normally by crimping its bottom end onto a step portion 12 on the lower mouth part of the main body 1. The said push button 5 is also made of synthetic resin, and to its front surface, a nozzle 13, conventionally and publicly known for spray use, is attached.

In the above aerosol container A, 2 solutions of an A solution consisting of a mixture of diethylene glycol monoethyl ether acetate and purified water, and a B solution consisting of kerosine containing an effective ingredient such as an insecticide, are separately dispensed. Then, the valve 3 is attached, dimethyl ether is filled from the stem 8, and finally, the push button 5 is attached to complete an aerosol product.

An aerosol container B shown in Fig. 2 comprises a main body 21 of the container, a synthetic resin-made internal bag (liner) 22 with anticorrosive ability against an aerosol composition contained in the inside so as to lap over, the valve 3 attached to the opening portion of the top ends of them, and the push button 5 attached to the valve.

The main body 21 can be formed by forming a metal sheet such as aluminium, tinplate or steel, in a cylindrical shape with a bottom. The main body 21 itself does not need anticorrosive ability against the aerosol composition, and thereby can be made of any metal and may be made of synthetic resin. The said internal bag 22 may be same as that used for a double aerosol product, where the concentrate and the propellant are separately filled in the container. No space is required between the internal bag 22 and the main body 21 as the internal bag 22 contacts closely to the inner face of the main body 21 after the aerosol composition filled in.

The valve 3 comprises the valve housing 7 made of synthetic resin, the stem 8 housed vertically movable in the inside thereof, the spring 9 energizing upward the stem continuously, the stem rubber 10 fitted around the stem 8 and fixed to the valve housing 7, a mounting cup 24 made of synthetic resin to fit these parts integrally to the main body 21, and a cover 25 made of a metal sheet.

The synthetic resin composing the said internal bag 22 is prepared with, for

example, a layered body with a single layer or a double or more layers such as linear low density polyethylene (LLDPE), low density polyethylene (LDPE), polypropylene (PP), polyethylene terephthalate (PET), polybutylene terephthalate (PBT), polyethylene naphthalate (PEN), polyacrylonitrile (PAN), ethylene vinyl alcohol  
 5 copolymer (EVOH), nylon (NY) and the like. For example, a triphasic-layered film made from LDPE/EVOH/LDPE can be used. The internal bag 22 is ordinarily formed by blow molding. The thickness of the internal bag 22 normally ranges from 0.1 to 2.0 mm, preferably from 0.3 to 1.0 mm.

Around the top end of the main body 21, the step part 26 is provided to  
 10 engage the mounting cup 24. The mounting cup 24 is inserted into the opening of the top end of the main body 21 in a state of holding the top end of the internal bag 22 between the mounting cup 24 and the step portion 26, and attached by crimping the bottom end of the cover 25 from the outside of the main body 21 to the lower part of the step portion 26.

15 In this container, the aerosol composition is filled, as in the case of Fig. 1, to complete an aerosol product. In this product, the aerosol composition only contacts to the parts with anticorrosive property against the aerosol composition, such as the internal bag 22, the valve housing 7 and the mounting cup 24, and therefore, corrosion of the container and denaturation of the aerosol composition are prevented.

20 An aerosol container C shown in Fig. 3 comprises a main body 31 of the container, the valve 3 attached to the opening of the top end thereof, and the push button 5 attached to the valve 3. The main body 31 is obtained by forming a laminated sheet material, made of a metal sheet such as aluminium, tinplate or steel and a synthetic resin film 32 laminated in the side of the inner face of the  
 25 container, in a shape of cylinder with a bottom, and by providing a shoulder portion

33 made by draw forming and a bead portion 34 made by curling forming. The metal sheet requires no anticorrosive property against the aerosol composition, and therefore, any metal can be used and synthetic resin may also be used.

A material of the synthetic resin film 32 can be a polyolefin such as polyethylene and polypropylene, a polyamide such as nylon 6, nylon 6,6, nylon 11, and nylon 12, and a polyester such as polyethylene terephthalate and polybutylene terephthalate. The thickness of the synthetic resin film 32 ranges preferably from 5 to 300  $\mu\text{m}$ , particularly from 10 to 100  $\mu\text{m}$ .

The valve 3 comprises the synthetic resin-made valve housing 7, the stem 8 housed in the inside thereof movably vertically, the spring 9 energizing upward the stem continuously, the stem rubber 10 fitted around the stem 8 and fixed to the valve housing 7, and a mounting cup 35 to fit these parts integrally to the main body. The mounting cup 35 is made, similarly to the main body 31, of a laminated material composed of a metal thin plate and a synthetic resin film 36 and the synthetic resin film 36 is positioned in the internal side of the container.

The mounting cup 35 holds the valve housing 7 in its central part and has a flange portion at its peripheral part in a U shape in a sectional view so as to cover the bead part of the main body 31. The above-described valve 3 is fixed to the main body 31 by fitting the mounting cup 35 to the opening of the top end of the main body 31 and crimping an erect wall 39 thereof to the inner face of the shoulder portion 33 of the main body of the container.

In this container, the aerosol composition is filled, as in the case of Fig. 1, to complete an aerosol product. In addition, the metal sheet of the main body is protected by the synthetic resin film, and therefore, corrosion of the container and denaturation of the content are prevented.



Consequently, in case of a metal-made container, a synthetic resin internal bag, a film or a coated film is provided on the inner face thereof to protect the container so that an electric current is zero, thereby to safely contain the aerosol composition even containing water.

15           The aerosol composition according to the present invention is described as follows with reference to specific examples.

1. Measurement of the flash point of the concentrate.

[Table 1]

<Concentrate>

		Concentr ate 1	Concentr ate 2	Concentr ate 3	Concentr ate 4	Concentr ate 5
Composition	Kerosene	70.0	87.0	87.0	100.0	92.0
	Diethylene glycol monoethyl ether acetate	25.0	10.0	-	-	-
	Diethylene glycol	-	-	10.0	-	5.0
	Purified water	5.0	3.0	3.0	-	3.0
	Total	100.0	100.0	100.0	100.0	100.0
Appearance		Separated	Separated	Separated	Uniform	Separated

(Wt %)

[Table 2]

5 <Test results>

	Flash point (°C)
Concentrate 1	Not observed
Concentrate 2	Not observed
Concentrate 3	Not observed
Concentrate 4	94.0
Concentrate 5	98.2

## 2. Flame length test

The aerosol compositions shown in Table 3 were filled in the containers under the following material specification, to manufacture aerosol products by attaching valves and spray buttons shown in Table 4. The obtained products were kept at 25 °C and sprayed toward a flame (length of 5 cm) in a distance of 15 cm so as to pass through a 1/3 of the top part of the flame. The results are presented in Table 5. The concentrate 1 to 3 were used to prepare the aerosol compositions of examples 1 to 3 and the concentrate 4 was used to prepare the aerosol compositions of comparative examples 1 and 2.

[Table 3]

<Aerosol compositions>

		Example 1	Example 2	Example 3	Comparative example 1	Comparative example 2
Composition	Concentrate	30.0 (Concentrate 1)	30.0 (Concentrate 2)	30.0 (Concentrate 3)	30.0 (Concentrate 4)	30.0 (Concentrate 4)
	Propellant	DME	70.0	70.0	70.0	-
		LPG	-	-	-	70.0
	Total	100.0	100.0	100.0	100.0	100.0
Appearance		Uniform	Uniform	Uniform	Uniform	Uniform

(Wt %)

<Material specification>

- 5 Container: tinplate pressure-proof container (electrostatically coated with polyester resin on the inner face of the container in Fig. 4. Film thickness is 50  $\mu\text{m}$ .)

Valve and spray button: Table 4.

[Table 4.]

		Specification 1	Specification 2	Specification 3
Stem hole		$\phi$ 0.3	$\phi$ 0.4	$\phi$ 0.5
Housing	Bottom hole	$\phi$ 0.8	$\phi$ 0.8	$\phi$ 0.8
	Side hole	$\phi$ 0.35	$\phi$ 0.35	$\phi$ 0.35
Spray button		$\phi$ 0.4	$\phi$ 0.4	$\phi$ 0.4

[Table 5]

<Test results>

Concentrate	Valve	Flame length	
Example 1	Specification 1	20 cm	No back fire
	Specification 2	25 cm	No back fire
	Specification 3	30 cm	No back fire
Example 2	Specification 1	25 cm	No back fire
	Specification 2	25 cm	No back fire
	Specification 3	30 cm	No back fire
Example 3	Specification 1	25 cm	No back fire
	Specification 2	25 cm	No back fire
	Specification 3	30 cm	No back fire
Comparative example 1	Specification 1	35 cm	No back fire
	Specification 2	40 cm	No back fire
	Specification 3	45 cm	No back fire
Comparative example 2	Specification 1	70 cm	No back fire
	Specification 2	80 cm	No back fire
	Specification 3	90 cm	No back fire

3. Explosion test (measurement of lower limit explosion concentration)

5 <Test equipment>

A horizontal cylindrical container having an internal volume of 50 L (liter) was used. The container comprises a sample blow-in mouth on the one end thereof, a lid on the other end freely openable by a pressure of explosion occurred in the container, a fan to agitate aerosol blown in, and a ignition.

10 <Test method>

The interior temperature of the container was kept at 25 °C and the fan was rotated, while a switch of the ignition plug was turned on to spray the sample for 1 second and stop for 2 seconds alternately and repeatedly. A weight of the sample consumed up to explosion was measured and then, the lower limit explosion concentration (Ec) was calculated on the basis of the following formula. For reference, the temperature of the sample was 25 °C.

[Math. Formula 1]

$$Ec = \frac{W1 - W2}{V}$$

Where,

Ec: lower limit explosion concentration (g/L)

5 V: internal volume of test equipment (L)

W1: weight of sample before spraying (g)

W2: weight of sample after spraying (g)

<Test sample>

The aerosol compositions of the examples 1 to 3 and comparative examples 1 and 2

10 in Table 3.

[Table 6]

<Test results>

	Ec
Example 1	0.17
Example 2	0.14
Example 3	0.15
Comparative example 1	0.12
Comparative example 2	0.10

From the test results in the above Table 2, the concentrates 1 to 3 used for the aerosol compositions according to the present invention have no flash point,

15 while the concentrate 4 consisting of only kerosene has the flash point at 94.0 °C.

The concentrate 5 also has the flash point at 98.2 °C, and therefore was not used as the comparative example. In addition, the products (the examples 1 to 3), made by aerosolizing the concentrates 1 to 3 using dimethyl ether, showed the flame lengths

ranging 20 to 30 cm as shown in Fig. 5, and the flame lengths are very short in

20 comparison with the product (comparative examples 1 and 2) made by aerosolizing

For the concentrate compositions in Tables 7 to 10, the appearance and ignitability tests were carried out in the same method as described previously. The results are presented in Table 11. In addition, those were mixed with dimethyl ether to obtain aerosol products.

15 Insecticide for space

Concentrate composition	Formulation 1	Formulation 2
Kerosene (Neothiosol: brand name)	69.4	86.4
Diethylene glycol monoethyl ether acetate	25.0	10.0
Purified water	5.0	3.0
Permethrin	0.5	0.5
Synepirin	0.1	0.1
Total	100.0	100.0

Aerosol composition	Formulation 1	Formulation 2
The above concentrate	25.0	30.0
Dimethyl ether	75.0	70.0
Total	100.0	100.0

20

[Table 8]

### Insecticide for cockroach

Concentrate composition	Formulation 3	Formulation 4
Kerosene (Neothiosol)	67.0	84.0
Diethylene glycol	25.0	10.0
Purified water	5.0	3.0
d – phenothrin	1.0	1.0
Octachlorodipropyl ether	2.0	2.0
Total	100.0	100.0

(Wt %)

Aerosol composition	Formulation 1	Formulation 2
The above concentrate	25.0	30.0
Dimethyl ether	75.0	70.0
Total	100.0	100.0

(Wt %)

5

[Table 9]

## Insecticide for space

Concentrate composition	Formulation 5	Formulation 6	Formulation 7	Formulation 8
Kerosene (Neothiosol)	44.5	39.5	86.6	86.6
Dipropylene glycol	40.0	40.0	10.0	-
Triethyl phosphate	-	-	-	10.0
Purified water	15.0	20.0	3.0	3.0
Neopinamin forte	0.4	0.4	0.3	0.3
Chrysron forte	0.1	0.1	0.1	0.1
Total	100.0	100.0	100.0	100.0

(Wt %)

Aerosol composition	Formulation 5	Formulation 6	Formulation 7	Formulation 8
The above concentrate	25.0	25.0	35.0	35.0
Dimethyl ether	75.0	75.0	65.0	65.0
Total	100.0	100.0	100.0	100.0

(Wt %)

10

[Table 10]

Insecticide for cockroach

Concentrate composition	Formulation 9	Formulation 10
Imiprothrin	3.6	3.6
Isopropyl myristate	53.1	31.9
Kerosene	-	21.2
Dipropylene glycol	28.9	28.9
Purified water	14.4	14.4
Total	100.0	100.0

(Wt %)

Aerosol composition	Formulation 9	Formulation 10
The above concentrate	25.0	25.0
Dimethyl ether	75.0	75.0
Total	100.0	100.0

(Wt %)

- 5 The above aerosol compositions were filled in the container comprising the valve and button as described below to be as an aerosol product, and a flame length test and an explosibility test were carried out in the same method as described previously. The results are presented in Table 11.

<Material specification>

- 10 Container: tinplate pressure-proof container (electrostatically coated with polyester resin on the inner face of the container in Fig. 4. Film thickness is 50  $\mu\text{m}$ .)

Valve: stem hole 0.4 mm, a bottom hole on a housing 0.8 mm, side hole 0.35 mm.

Spray button diameter: 0.4 mm.



[Table 11]

<Test results>

		Formulation 1	Formulation 2	Formulation 3	Formulation 4
Characteristics of concentrate	Appearance	Separated	Separated	Separated	Separated
	Flash point	Not observed	Not observed	Not observed	Not observed
Characteristics of aerosol	Appearance	Uniform	Uniform	Uniform	Uniform
	Flame length	25 cm	25 cm	25 cm	25 cm
	Ec	0.16	0.14	0.16	0.14

		Formulation 5	Formulation 6	Formulation 7	Formulation 8
Characteristics of concentrate	Appearance	Separated	Separated	Separated	Separated
	Flash point	Not observed	Not observed	Not observed	Not observed
Characteristics of aerosol	Appearance	Uniform	Uniform	Uniform	Uniform
	Flame length	25 cm	20 cm	30 cm	35 cm
	Ec	0.17	0.18	0.18	0.17

		Formulation 9	Formulation 10
Characteristics of concentrate	Appearance	Separated	Separated
	Flash point	Not observed	Not observed
Characteristics of aerosol	Appearance	Uniform	Uniform
	Flame length	25 cm	30 cm
	Ec	0.19	0.18

5

(Note) No back fire is observed in any flame length.

As known from Table 11, on the basis of the ignitability test, all the concentrates have no flash point and do not fit the hazardous matter. In addition, on the flame length test, the products prepared by aerosolizing the concentrates using dimethyl ether had the flame lengths from 20 to 35 cm and on the explosibility test, the lower limit explosion concentration ranged from 0.14 to 0.19, resulting in

10

the classification for the weak flammability. From these results, it is proven that the products are high in safety against fire.

#### 4. Test in a time sequence

- 5 The aerosol compositions of the above formulation 1 to 10 were filled according to the following material specification and the manufacturing method to obtain aerosol products.

[Table 12]

#### 10 <Material specification>

Specification	Container	Valve
1	Polyethylene terephthalate-made container (Fig. 1)	Valve with a Duracon-made housing
2	Aluminium container, inserted a polyethylene-made internal bag with the thickness of 0.5 mm in its interior (Fig. 2)	Valve with a mounting cup and a nylon-made housing
3	Aluminium container coated by laminating with a polyethylene terephthalate in thickness of 15 $\mu$ m on the inner face (Fig. 3)	Valve coated by laminating with a polyethylene terephthalate on the inner face of an aluminium-made mounting cup
4	Tinplate-made container electrostatically coated with a polyester resin (resin film thickness of 50 $\mu$ m) on the inner face (Fig. 4)	Valve coated by laminating a polypropylene on the both faces of tinplate-made mounting cup

#### <Manufacturing method>

As for the specifications 1 and 2, each concentrate was filled in each

container and each valve was fitted thereto. Then, dimethyl ether was filled from each stem, and thereby to obtain aerosol products. As for the specifications 3 and 4, each concentrate was filled in each container and dimethyl ether was filled by under cup filling. Then, each aerosol valve was fitted thereto, and thereby to obtain aerosol products.

# <Test condition>

For the specification 1, the aerosol products were kept under 35 °C for 8 months, while for the specifications 2, 3 and 4, under 45 °C for 3 months, in erect and inverted states for all. The test results are presented in Tables 13, 14 and 15.

[Table 13]

# <Test result>

	Concentrate	Material specification	Property of concentrate		Evaluation at opening	
			Appearance	Smell	Container	Valve
Insecticide for space	Formulation 1	1	A	A	A	A
		2	A	A	A	A
		3	A	A	A	A
		4	A	A	A	A
	Formulation 2	1	A	A	A	A
		2	A	A	A	A
		3	A	A	A	A
		4	A	A	A	A
Insecticide for cockroach	Formulation 3	1	A	A	A	A
		2	A	A	A	A
		3	A	A	A	A
		4	A	A	A	A
	Formulation 4	1	A	A	A	A
		2	A	A	A	A
		3	A	A	A	A
		4	A	A	A	A

[Table 14.]

	Concentrate	Material specification	Property of concentrate		Evaluation at opening	
			Appearance	Smell	Container	Valve
Insecticide for space	Formulation 5	1	A	A	A	A
		2	A	A	A	A
		3	A	A	A - B	A
		4	A	A	A - B	A
	Formulation 6	1	A	A	A	A
		2	A	A	A	A
		3	A	A	A - B	A
		4	A	A	A - B	A
	Formulation 7	1	A	A	A	A
		2	A	A	A	A
		3	A	A	A	A
		4	A	A	A	A
	Formulation 8	1	A	A	A	A
		2	A	A	A	A
		3	A	A	A	A
		4	A	A	A	A

[Table 15]

	Concentrate	Material specification	Property of concentrate		Evaluation at opening	
			Appearance	Smell	Container	Valve
Insecticide for cockroach	Formulation 9	1	A	A	A	A
		2	A	A	A	A
		3	A	A	A - B	A
		4	A	A	A	A
	Formulation 10	1	A	A	A	A
		2	A	A	A	A
		3	A	A	A - B	A
		4	A	A	A	A

Evaluation standard

Property of concentrate: comparison of the concentrate before the start of the test in time sequence with the concentrate collected after use as a test sample.

5 A: no abnormality observed

C: very changed

Evaluation at opening:

A: no abnormality observed

B: blister was observed in the resin layer, while no corrosion was observed on the surface of the metal

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C: corrosion observed on the surface of the metal.

As known from Tables 13 to 15, all the aerosol products showed no practical problem in keeping in erect and inverted states. Therefore, it can be proven that the compositions according to the formulations 1 to 10 are stable against to the container.

15

EFFECT OF THE INVENTION





## ABSTRACT

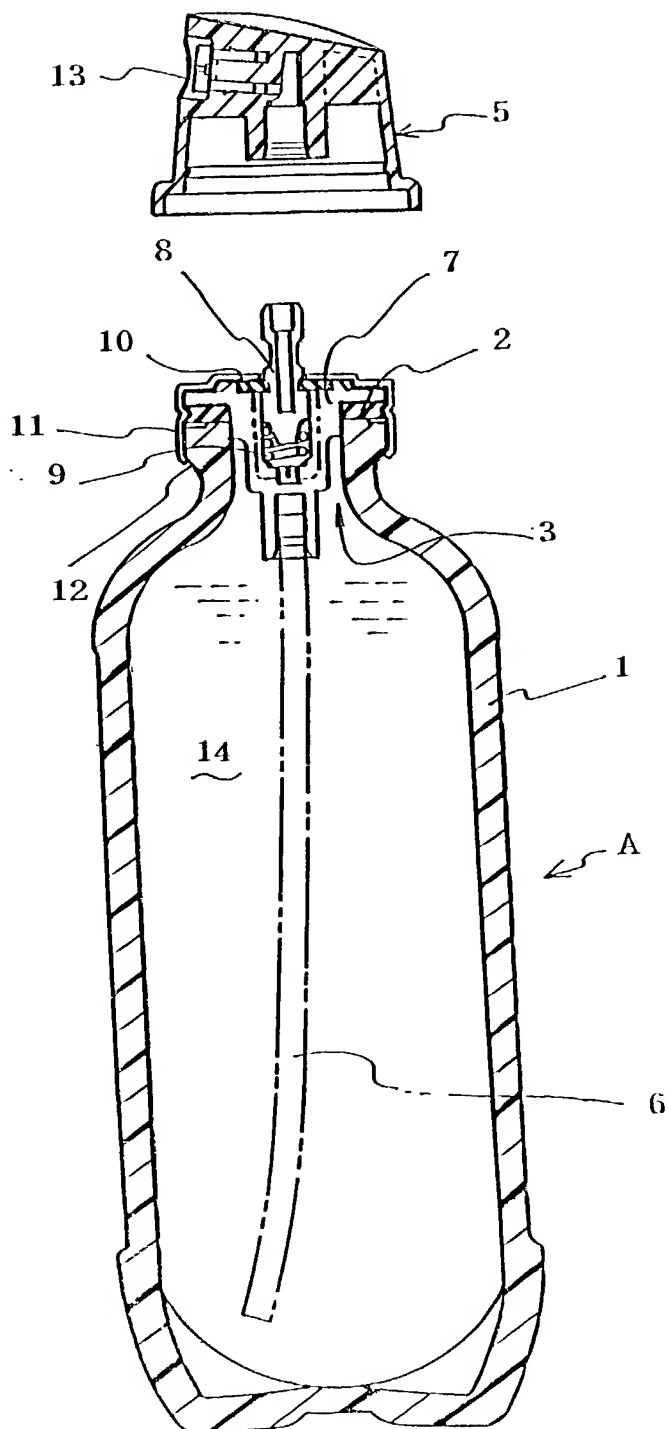
A one-pack aqueous aerosol composition being highly secure against fire and enabling efficient adhesion of an active ingredient. This aerosol composition is a  
 5 homogeneous one which comprise 10 to 60 wt% of a liquid concentrate consisting of 30 to 90 wt % of an oil such as kerosene, 5 to 50 wt% of a polyhydric alcohol such as diethylene glycol, 1 to 40 wt% of water, and 0.1 to 20 wt% of an active ingredient such as insecticide and not exhibiting any flash point at a pressure of 1 atm and 90 to 40 wt% of a propellant consisting of diethyl ether.

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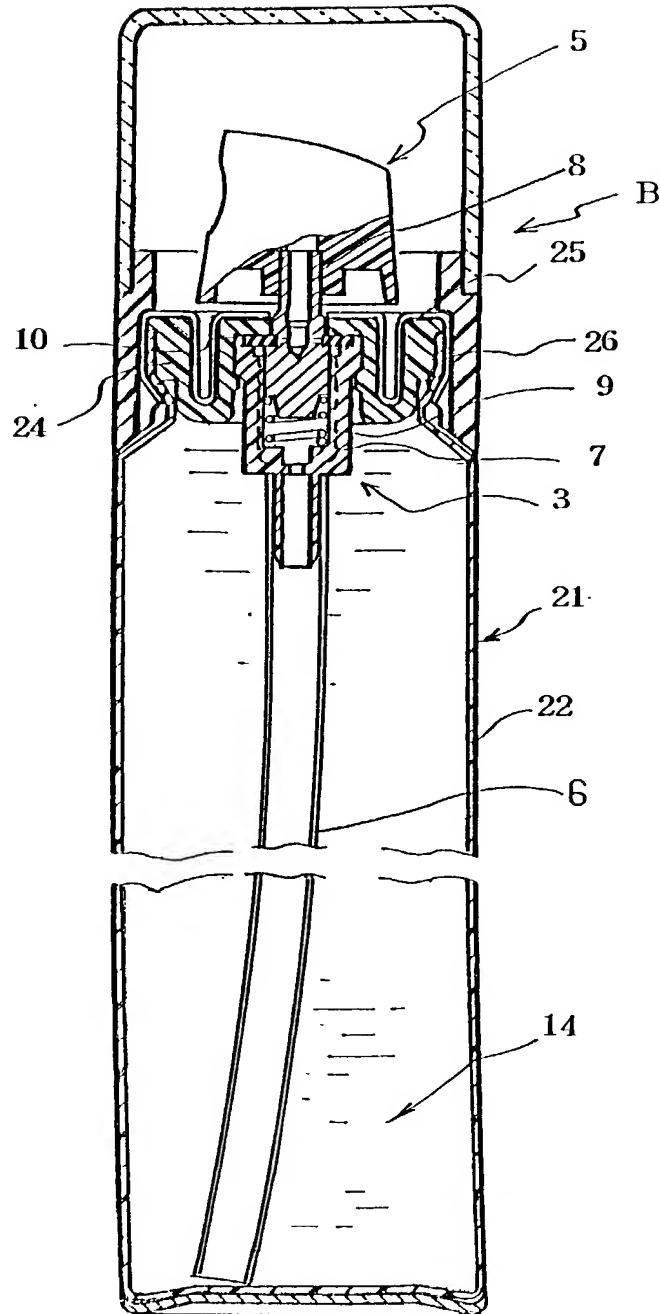


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F i g . 1

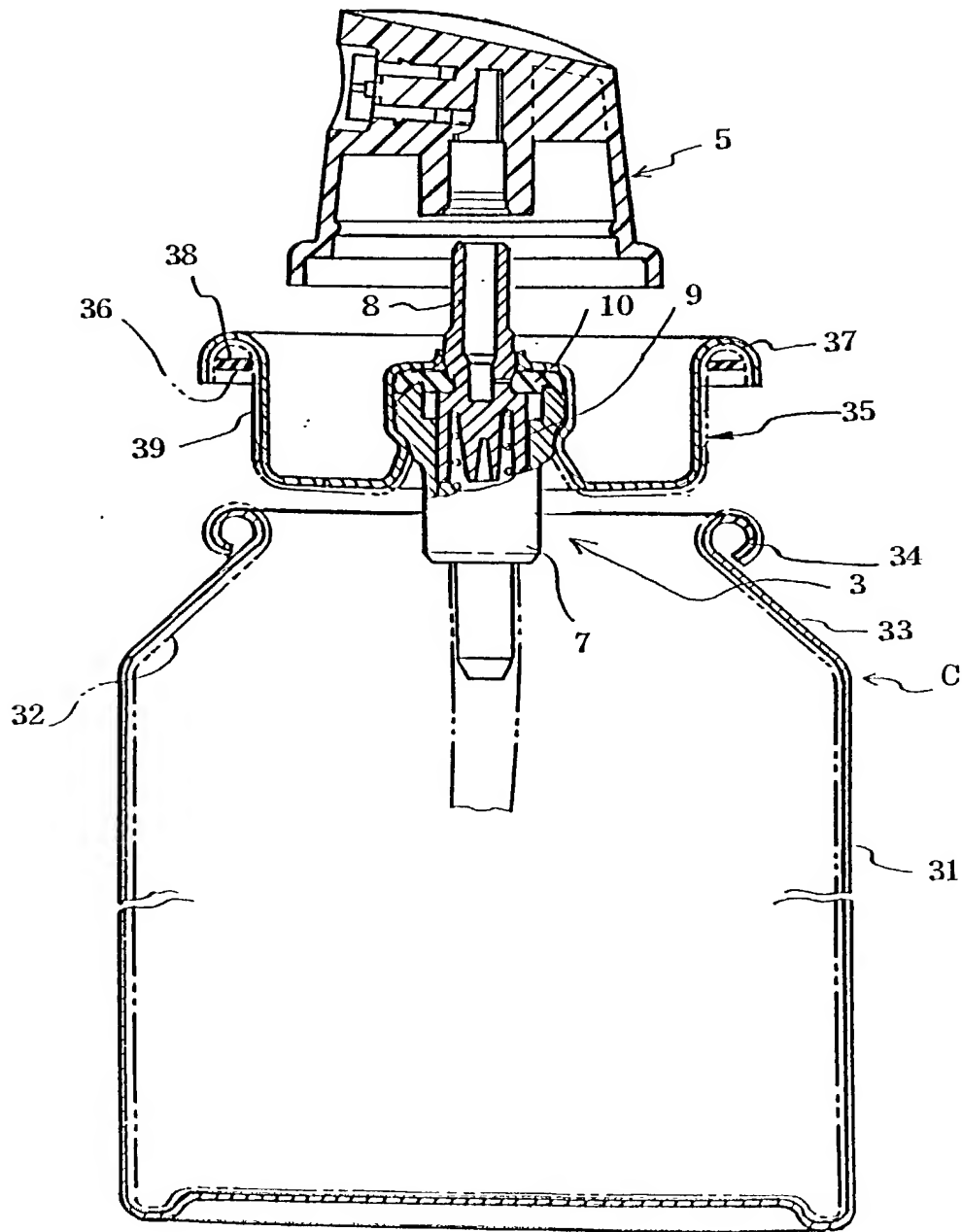


F i g . 2



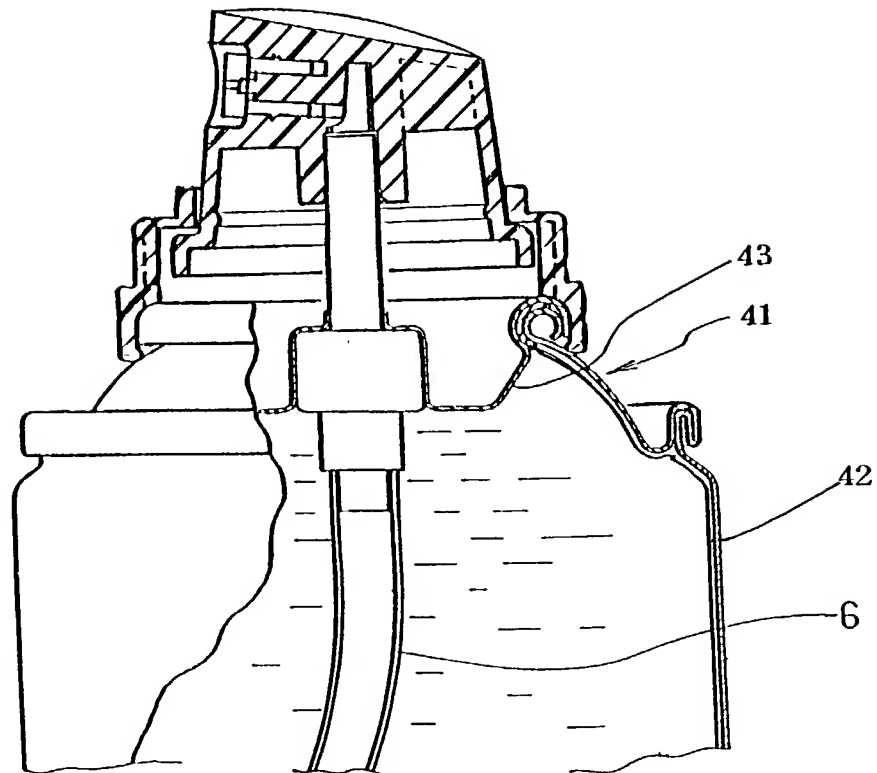
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F i g . 3



4/4

F i g . 4



Docket No. AKY-0002

RADER, FISHMAN &amp; GRAUER, PLLC

## Declaration For U.S. Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

(Insert Title) AEROSOL COMPOSITION

the specification of which is attached hereto unless the following box is checked:

☒ was filed on July 27, 2000 <sup>3/</sup> As PCT International Application  
 Number PCT/JP00/05100 and was amended on \_\_\_\_\_  
 and/or was filed on April 1, 2002 As U.S. Patent Application  
 Number 10/089,551 and was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International Application having a filing date before that of the application(s) for which priority is claimed:

(List prior foreign applications)	281763 / 1999	JAPAN	1 / 10 / 1999	Priority Claimed
(Number)	(Number)	(Country)	(Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
40807 / 2000	40807 / 2000	JAPAN	18 / 2 / 2000	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Number)	(Country)	(Day/Month/Year Filed)	
208980 / 2000	208980 / 2000	JAPAN	10 / 7 / 2000	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Number)	(Country)	(Day/Month/Year Filed)	

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)

☐ See attached list for additional prior foreign or provisional applications.

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) (U.S. or PCT) in the manner provided by the first paragraph of 35, U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(List prior U.S. Applications or PCT International applications designating the U.S.)	(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
	_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)

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